

REPORT ON DISCIPLINE PROCEEDINGS: ACLS CASE 21-01

A discipline hearing involving Ivan Pagé, CLS, a.-g. and Géolocation Inc. was held by way of a Zoom video conference on September 19th, 2022 to address charges laid for professional misconduct on March 4th, 2022 regarding invoicing amounts in excess, charging fees that were not fair and reasonable for services and failure to provide details on bills when requested by the client.

The hearing proceeded by way of an Agreed Statement of Facts and Admission of Professional Misconduct, and Mr. Pagé and Géolocation Inc. were found guilty of professional misconduct.

Géolocation Inc. invoiced a total amount of \$23,401.25 up to February 24, 2021 while the written estimate provided on October 20, 2020 to complete the survey was \$5,300.00. Prior to invoice number 103816 in the amount of \$15,835.00 dated February 15, 2021, a revised estimate should have been provided to the client by Mr. Pagé. If the scope of the work had changed substantially after November 10, 2020, date of invoice number 103670 for \$5,300 and this change affected the fees, the surveyor should have notified his client.

At the time of the hearing, Mr. Pagé's survey plan had not been submitted to the First Nation Band Council for approval or submitted to the Surveyor General Branch for registration. On December 2, 2020 a preliminary plan was prepared, illustrating a new boundary dividing two adjacent parcels along a wall with the parcels defined for a reciprocal easement to correct encroachments, Mr. Pagé contravened the regulations by passing several hours formulating the easement documents without the prior explicit consent of the client.

Following the request for explanations made by the client after receipt of invoice number 103816 for \$15,835 dated February 15, 2021, the surveyor provided a list showing 186 hours spent by Mr. Pagé and employees to this file, which is unreasonable. Invoice number 103816 refers to a period already covered by previous invoices.

Mr. Pagé failed to provide sufficient explanation to the client for the details of the work performed on the 186 hour list. After the client's request for explanations, Mr. Pagé issued the client additional invoice number 103821 for \$2,266.25 and dated February 24, 2021, reflecting 12.25 hours of overtime.

ADMISSIONS

Mr. Pagé and Géolocation Inc. admitted the following:

- 1) Having invoiced amounts in excess of the estimate provided to the client, and that this conduct constitutes professional misconduct, in contravention of sections 1 (j) and (s) of the Canada Lands Surveyors Regulations;
- 2) Charging fees that were not fair and reasonable for their services, as well as failing to provide details on bills of fees when requested by their client, and that this conduct constitutes a violation of sections 3(6)(a) and (b) of the Code of Ethics of the Canada Lands Surveyors Regulations.

DECISION AND REASONS

The Panel accepted the facts in the Agreed Statement of Facts. Based on the admissions provided in the Agreed Statement of Facts, the submissions of the parties at the hearing, the Panel found that the

allegations of professional misconduct against the surveyor and the firm have been proven on a balance of probabilities and found both Mr. Ivan Pagé and Géolocation Inc. guilty of professional misconduct and a breach of the Code of Ethics deserving of sanction.

ORDER

Pursuant to section 31 of the Act, the Panel of the Discipline Committee made the following orders:

1. A fine of \$6,000 to be paid by M.Pagé and Géolocation Inc. to the Association;
2. Mr. Pagé and Géolocation Inc. will bear 60 % of the costs incurred by the Association. The total cost associated with the complaint and hearing was \$22,992.97, so Mr. Pagé and Géolocation are ordered to pay the Association an additional amount of \$13,795.78.
3. An order that Mr. Pagé and Géolocation complete the work started in this file;
4. A commitment from M.Pagé and Géolocation Inc. not to claim from the complainant the invoices of February 15, 2021 (\$15,835) and February 24, 2021 (\$2,266);
5. That the decision to be rendered by the Panel of the Discipline Committee be communicated to the members of the Association.

December 16th, 2022

Nancy Kearnan, CLS, Chair
ACLS Discipline Committee